

**OFFICE OF THE SECRETARY OF STATE
STATE OF MISSISSIPPI
BUSINESS REGULATION AND ENFORCEMENT DIVISION**

In The Matter Of:)	
)	
THE COASTCON FOUNDATION)	Administrative Proceeding
a/k/a THE COAST CON FOUNDATION)	Number: <u>C-06-0259</u>
and THE COASTAL CONVENTION)	
FOUNDATION)	
)	
RESPONDENT)	


**AFFIDAVIT OF COMPLIANCE WITH
MISSISSIPPI CODE ANN. § 79-11-511**

Comes now, JAMES O. NELSON, after being first duly sworn hereby states on his oath as follows:

1. On December 18, 2006, JAMES O. NELSON, II, Assistant Secretary of State, Business Regulation and Enforcement Division (hereinafter "Division"), issued a FINAL CEASE AND DESIST ORDER AND ORDER IMPOSING ADMINISTRATIVE PENALTY (hereinafter "Order") against THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION FOUNDATION (hereinafter "Respondent").
2. On January 16, 2007, a true and correct copy of the Order was mailed via certified mail to Respondent's last known address of 1345 Aster Street, Baton Rouge, LA 70802.
3. On February 28, 2007, the Order was returned to the Division marked:

Unclaimed.
4. Respondent has not designated an agent for service of process.

5. On March 2, 2007, a true and correct copy of the Order was delivered to the Secretary of State.
6. On March 2, 2007, a true and correct copy of the Order was mailed to Respondent, via certified mail, to the last known address of 1345 Aster Street, Baton Rouge, LA 70802.



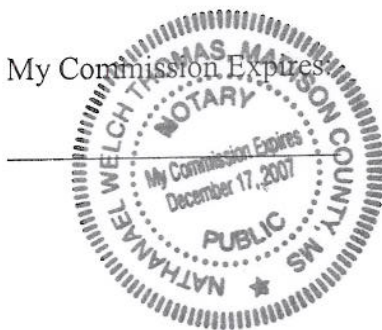
JAMES O. NELSON, II
3/2/2007

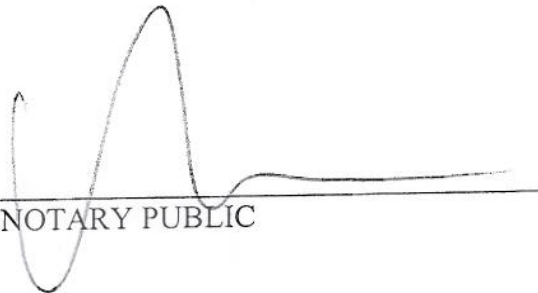
Date

SWORN to and subscribed before me, this, the 2nd day of March 2007.

(SEAL)

My Commission Expires





NOTARY PUBLIC

**OFFICE OF THE SECRETARY OF STATE
STATE OF MISSISSIPPI
BUSINESS REGULATION AND ENFORCEMENT DIVISION**

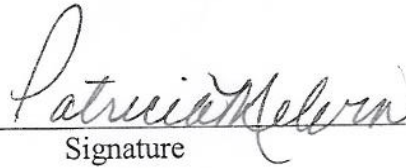
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THE COASTCON FOUNDATION)	Administrative Proceeding
a/k/a THE COAST CON FOUNDATION)	Number: <u>C-06-0259</u>
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FOUNDATION)	
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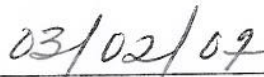
NOTICE OF SERVICE OF PROCESS

Comes now, Patricia Melvin, and files this Notice of Service of Process and states the following:

1. On June 29, 2006, JAMES O. NELSON, II, Assistant Secretary of State, Business Regulation and Enforcement Division (hereinafter "Division"), issued a SUMMARY CEASE AND DESIST ORDER AND NOTICE OF INTENT TO IMPOSE ADMINISTRATIVE PENALTY (hereinafter "Order") against THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION FOUNDATION (hereinafter "Respondent").
2. On August 17, 2006, a true and correct copy of the Order was mailed via certified mail to Respondent's last known address of 1345 Aster Street, Baton Rouge, LA 70802.
3. On September 21, 2006, the Order was returned to the Division marked: Unclaimed.
4. Respondent has not designated an agent for service of process.

PURSUANT TO MISS. CODE ANN. § 79-11-511, YOU ARE HEREBY NOTIFIED THAT A TRUE AND CORRECT COPY OF THE FINAL CEASE AND DESIST ORDER AND ORDER IMPOSING ADMINISTRATIVE PENALTY ISSUED IN THE ABOVE-CAPTIONED MATTER WAS DELIVERED TO THE SECRETARY OF STATE ON MARCH 2, 2007. A TRUE AND CORRECT COPY OF THIS ORDER IS ATTACHED.


Signature


Date

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
BUSINESS REGULATION AND ENFORCEMENT DIVISION**

In The Matter Of:)	
)	
)	ADMINISTRATIVE
THE COASTCON FOUNDATION)	PROCEEDING
a/k/a THE COAST CON FOUNDATION)	NO. C-06-0259
and THE COASTAL CONVENTION)	
FOUNDATION)	
)	
Respondents)	

**FINAL CEASE AND DESIST ORDER AND
ORDER IMPOSING ADMINISTRATIVE PENALTY**

The SECRETARY OF STATE OF MISSISSIPPI, by and through James O. Nelson, II, Assistant Secretary of State for the Business Regulation and Enforcement Division (hereinafter "Division"), hereby issues this Final Cease and Desist Order and Order Imposing Administrative Penalty to THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION (collectively hereinafter the "Foundation"), and in support hereof, states the following.

I. JURISDICTION

The Mississippi Charitable Solicitations Act, codified at Miss. Code Ann. §§ 79-11-501, *et. seq.* (2001) (hereinafter "Act"), gives the authority to the Secretary of State to regulate "charitable organizations" that solicit donations in the State of Mississippi.

Section 79-11-501(a)(i) of the Act provides the following:

(a)(i) "Charitable organization" means either of the following:

(A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or

(B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, **or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation** and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

CoastCon, Inc. (hereinafter "CoastCon") is a Mississippi nonprofit corporation in good standing with the Mississippi Secretary of State's Office.

THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION, Respondents, are soliciting charitable contributions on behalf of CoastCon and using CoastCon's trademark in its fund-raising efforts without authorization of CoastCon.

Respondents are using a charitable appeal as the basis for solicitation. For this reason, these entities fall within the Act's definition of "charitable organization." Thus, are subject to the Secretary of State's regulatory authority.

II. FINDINGS OF FACT

1. This Final Cease and Desist Order and Order Imposing Administrative Penalty can be served on Respondents by service on the following:

The CoastCon Foundation a/k/a
The Coast Con Foundation
c/o Mr. Randy Richards
1345 Aster Street
Baton Rouge, Louisiana 70802

The Coastal Convention Foundation
c/o Mr. Randy Richards
1345 Aster Street
Baton Rouge, Louisiana 70802

2. The Foundation has been using a charitable appeal as the basis for its solicitation activity. On its website, the Foundation specifically states "We are not an official part of CoastCon." However, while denying that it is an "official part" of CoastCon, the Foundation is using CoastCon's trademark on its website, suggesting a relationship between the organizations.

3. The Foundation is not presently registered with the Division as a charitable organization and was not registered as such at any time prior to the issuance of the Summary Cease and Desist Order and Notice of Intent to Impose Administrative Penalty (hereinafter "Order").

4. The Foundation is not presently registered as a professional fund-raiser and was not registered as such at any time prior to the issuance of the Order.

5. The Foundation solicited contributions from Mississippi residents without being properly registered with the Division.

6. The Division notified the Foundation that the organization was soliciting in violation of the Act and provided it with a registration application.

7. The Foundation has solicited on behalf of CoastCon, disregarding CoastCon's express objections.

8. On June 29, 2006, the Division issued the Order against the Foundation. The Order

indicates that the Foundation shall have thirty (30) days from the date of receipt of the Order to give written notice to the Division requesting a hearing on the matters contained in the Order.

9. On September 21, 2006, the Order was returned to the Division marked, "Unclaimed."

10. On October 26, 2006, the Division delivered a true and correct copy of the Order to the Secretary of State.

11. On October 26, 2006, the Division mailed a true and correct copy of the Order, Notice of Service and Affidavit of Compliance to Respondents, pursuant to Miss. Code Ann. § 75-11-511. The Division sent the Order, Notice of Service and Affidavit of Compliance, via certified mail, to the last known address of 1345 Aster Street, Baton Rouge, LA 70802.

12. On November 27, 2006, the Order, Notice of Service, and Affidavit of Compliance were returned to the Division marked, "Unclaimed."

13. To date, the Foundation has not contacted the Division regarding the Order.

14. Because the Foundation failed to respond within the time allowed by applicable rules, the Division issues this FINAL CEASE AND DESIST ORDER AND ORDER IMPOSING ADMINISTRATIVE PENALTY.

III. APPLICABLE LAW

15. Charitable organizations that intend to solicit contributions in Mississippi must register with the Division prior to solicitation. Miss. Code Ann. § 79-11-503(1) provides in pertinent part:

Except as otherwise provided in Section 79-11-505 and **prior to any solicitation of contributions, every charitable organization** as defined in Section 79-11-501 **which solicits or intends to solicit** contributions by any means whatsoever **shall file a registration statement with, and pay a filing fee of Fifty Dollars (\$50.00)** to, the Secretary of State.

16. Professional fund-raisers that intend to solicit contributions in Mississippi must register with the Division prior to solicitation. Miss. Code Ann. § 79-11-513 provides in pertinent part:

No person shall act as a professional fund-raiser or fund-raising counsel for a charitable organization **before he has registered with the Secretary of State** or after the expiration or cancellation of such registration or any renewal thereof.

17. Miss. Code Ann. § 79-11-519 provides in pertinent part as follows:

(3) It shall be a violation of Sections 79-11-501 through 79-11-529 for any person:

(e) To use the name of a charitable organization, or **to display any emblem, device or printed matter belonging to or associated with a charitable organization without the express written permission of the charitable organization;**

* * *

(h) To commit any unfair or deceptive act or practice;

* * *

(l) To engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person;

* * *

(4) It shall be a violation of Sections 79-11-501 through 79-11-529 for any charitable organization:

* * *

(c) **To use the name which is the same as or confusingly similar to the name of another charitable organization unless the latter organization shall consent in writing to its use;**

* * *

(7) A misrepresentation may be accomplished by words or conduct or failure to disclose a material fact. Regardless of person's intent or the lack of injury, the above acts and practices are prohibited in the planning, conduct or execution of any solicitation or charitable sales promotion.

* * *

18. In addition to the remedies provided in Miss. Code Ann. § 79-11-509(1), Miss. Code Ann. § 79-11-509(4) provides that a charitable organization that solicits during a period of non-

registration may be subject to an administrative penalty of up to Twenty-Five Thousand Dollars (\$25,000.00) for *each* solicitation made during a period of non-registration.

IV. CONCLUSIONS OF LAW

The preceding paragraphs are incorporated herein by reference.

19. The Foundation, using a charitable appeal, solicited contributions in Mississippi, from Mississippi residents while unregistered, in violation of Miss. Code Ann. § 79-11-503(1) and/or Miss. Code Ann. § 79-11-513.

20. The Foundation is using a name similar enough to another non-profit organization as to be misleading in violation of Miss. Code Ann. § 79-11-519(3)(h) and (l) and Miss. Code Ann. § 79-11-519(4)(c).

21. The Foundation, through words and conduct, is suggesting a relationship with CoastCon that does not exist in violation of Miss. Code Ann. § 79-11-519(3)(e) and Miss. Code Ann. § 79-11-519(7).

V. PUBLIC INTEREST

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §§ 79-11-501, *et seq.* (2001).

VI. ORDER

IT IS THEREFORE ORDERED, pursuant to the authority set out in Section 79-11-501 through Section 79-11-529 of the Act, that Respondents THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION FOUNDATION shall permanently **CEASE AND DESIST** FROM ANY FURTHER ILLEGAL ACTIVITY IN, OR ORIGINATING FROM, the State of Mississippi in connection with

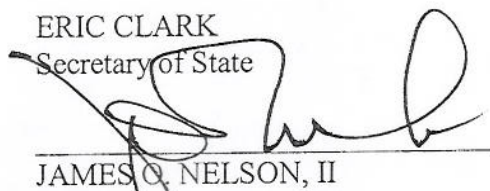
solicitations of charitable contributions. In addition, THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION FOUNDATION shall pay a fine in the amount of Twenty Five Thousand Dollars (\$25,000.00) payable to the "Mississippi Secretary of State" within fifteen (15) days from the receipt of this Final Cease and Desist Order and Order Imposing Administrative Penalty.

BE ADVISED THAT, a willful violation of this Final Cease and Desist Order and Order Imposing Administrative Penalty may be punishable upon conviction by a fine of not more than Twenty-Five Thousand Dollars (\$25,000.00) or five (5) years imprisonment, or both, in addition to civil and administrative remedies available to the Division.

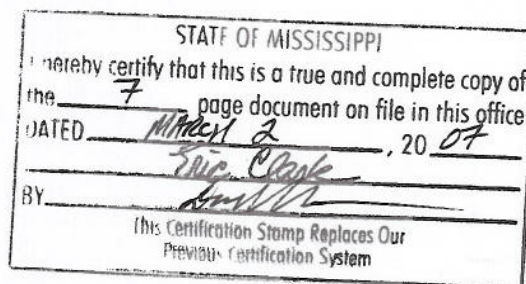
ISSUED, this, the 18 day of December, 2006.

ERIC CLARK
Secretary of State

BY:


JAMES O. NELSON, II
Assistant Secretary of State
Business Regulation and Enforcement

Patricia Melvin, MSB# 2865
Mississippi Secretary of State's Office
700 North Street
Post Office Box 136
Jackson, MS 39205-0136
Tel. (601) 359-1650
Fax (601) 359-1499



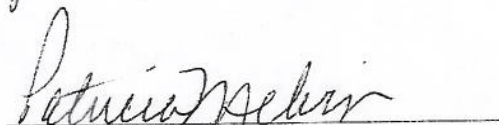
CERTIFICATE OF SERVICE

I, Patricia Melvin, do here by certify that I have this day mailed via Certified Mail, postage pre-paid, a true and correct copy of the Final Cease and Desist Order and Order Imposing Administrative Penalty to the following:

The CoastCon Foundation a/k/a
The Coast Con Foundation
c/o Mr. Randy Richards
1345 Aster Street
Baton Rouge, Louisiana 70802

The Coastal Convention Foundation
c/o Mr. Randy Richards
1345 Aster Street
Baton Rouge, Louisiana 70802

This, the 16 day of January, 2006.


PATRICIA MELVIN
Senior Attorney
Business Regulation and Enforcement

Patricia Melvin, MSB# 2865
Mississippi Secretary of State's Office
700 North Street
Post Office Box 136
Jackson, Mississippi 39205-0136
Tel. (601) 359-1650
Fax (601) 359-1499

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
BUSINESS REGULATION AND ENFORCEMENT DIVISION**

In The Matter Of:)	
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)	ADMINISTRATIVE
THE COASTCON FOUNDATION)	PROCEEDING
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and THE COASTAL CONVENTION)	
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CoastCon, Inc. (hereinafter "CoastCon") is a Mississippi nonprofit corporation in good standing with the Mississippi Secretary of State's Office.

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4. The Foundation is not presently registered as a professional fund-raiser and was not registered as such at any time prior to the issuance of the Order.

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17. Miss. Code Ann. § 79-11-519 provides in pertinent part as follows:

(3) It shall be a violation of Sections 79-11-501 through 79-11-529 for any person:

(e) To use the name of a charitable organization, or **to display any emblem, device or printed matter belonging to or associated with a charitable organization without the express written permission of the charitable organization;**

* * *

(h) To commit any unfair or deceptive act or practice;

* * *

(l) To engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person;

* * *

(4) It shall be a violation of Sections 79-11-501 through 79-11-529 for any charitable organization:

* * *

(c) **To use the name which is the same as or confusingly similar to the name of another charitable organization unless the latter organization shall consent in writing to its use;**

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(7) A misrepresentation may be accomplished by words or conduct or failure to disclose a material fact. Regardless of person's intent or the lack of injury, the above acts and practices are prohibited in the planning, conduct or execution of any solicitation or charitable sales promotion.

* * *

18. In addition to the remedies provided in Miss. Code Ann. § 79-11-509(1), Miss. Code Ann. § 79-11-509(4) provides that a charitable organization that solicits during a period of non-

registration may be subject to an administrative penalty of up to Twenty-Five Thousand Dollars (\$25,000.00) for *each* solicitation made during a period of non-registration.

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V. PUBLIC INTEREST

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §§ 79-11-501, *et seq.* (2001).

VI. ORDER

IT IS THEREFORE ORDERED, pursuant to the authority set out in Section 79-11-501 through Section 79-11-529 of the Act, that Respondents THE COASTCON FOUNDATION a/k/a THE COAST CON FOUNDATION and THE COASTAL CONVENTION FOUNDATION shall permanently **CEASE AND DESIST** FROM ANY FURTHER ILLEGAL ACTIVITY IN, OR ORIGINATING FROM, the State of Mississippi in connection with


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ISSUED, this, the 18 day of December, 2006.

ERIC CLARK
Secretary of State

BY:


JAMES O. NELSON, II
Assistant Secretary of State
Business Regulation and Enforcement

Patricia Melvin, MSB# 2865
Mississippi Secretary of State's Office
700 North Street
Post Office Box 136
Jackson, MS 39205-0136
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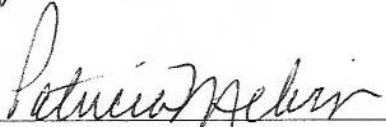
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c/o Mr. Randy Richards
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The Coastal Convention Foundation
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1345 Aster Street
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This, the 16 day of January, 2006.



PATRICIA MELVIN
Senior Attorney
Business Regulation and Enforcement

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Mississippi Secretary of State's Office
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